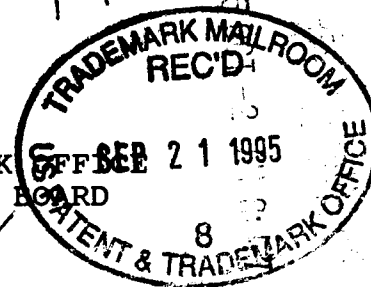


*Filed 30 days*

IN THE UNITED STATES PATENT AND TRADEMARK  
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD



*U*

GALLEON S.A.,  
BACARDI-MARTINI U.S.A., INC. and  
BACARDI & COMPANY LIMITED,

Petitioners,

-against-

HAVANA CLUB HOLDINGS, S.A. and  
HAVANA RUM & LIQUORS, S.A. d/b/a  
H.R.L., S.A.,

Respondents.

*#5*

Cancellation No. 24108

NOTICE OF MOTION FOR  
EXTENSION OF TIME TO  
FILE ANSWER TO  
PETITION FOR CANCELLATION

PLEASE TAKE NOTICE that, upon the annexed affidavit of Michael Krinsky, Esq., respondents Havana Club Holdings, S.A. and Havana Rum and Liquors, S.A. d/b/a H.R.L., S.A. move this Board, pursuant to section 2.114(iv) of the Trademark Rules of Practice of the Patent and Trademark Office, for an extension of time in which to file an answer to the above-captioned petition for cancellation to November 23, 1995 or in the alternative, until twenty (20) days after counsel's receipt of the decision on the present motion. This extension of time is necessary on account of respondents' attorneys, Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., having received said petition only four working days before the date on which the answer is due, the

complexity of the petition, and the need of counsel to consult with respondents, who are located abroad.

Dated: New York, New York  
September 21, 1995

Respectfully submitted,

RABINOWITZ, BOUDIN, STANDARD,  
KRINSKY & LIEBERMAN, P.C.

By: 

Michael Krinsky, Esq.  
Attorneys for Respondents  
Havana Club Holdings, S.A.  
and Havana Rum and Liquors, S.A.  
d/b/a H.R.L., S.A.  
740 Broadway - Fifth Floor  
New York, New York 10003  
(212) 254-1111

To: William R. Golden, Jr.  
Kelley Drye & Warren  
101 Park Avenue  
New York, New York 10178



3. The cover letter from the Trademark Trial and Appeal Board accompanying the petition for cancellation bears a

notation indicating that the enclosed petition was mailed on August 15, 1994. If this notation were accurate, the time for respondents to file their answer would expire on Monday, September 25, 1995.

4. Notwithstanding the aforesaid notation, the petition was not in fact mailed until September 15, 1995 or thereafter, and it was not received in my office until Monday, September 18, 1995. I attach hereto a true and accurate photocopy of the postmark of the envelope in which the petition was mailed. The metered postmark bears the date September 15, 1995.

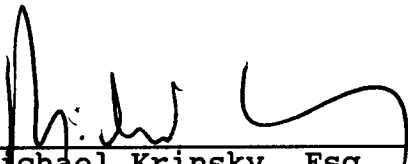
5. There thus are only four working days between the time the petition was received and the putative due date for respondents' answer. Moreover, as I was abroad when the petition was received on September 18 and did not return until today, September 21, in reality there are only two working days in which to prepare an answer.

6. This is clearly insufficient time to prepare an answer to the petition, and an extension of time is necessary as a result.

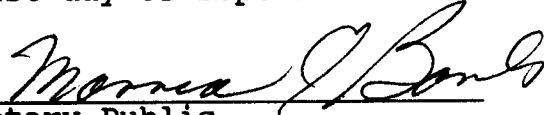
7. An extension to November 23, 1995, is appropriate. While we have not had an opportunity to study the petition, it appears to assert five separate grounds for cancellation, to present numerous issues of substantial legal and factual complexity, and to range in its factual and legal allegations over a period of time extending back 35 years and more. In

addition, the respondents are located abroad, and it will be necessary for counsel to consult with them there before preparing an answer.

8. Respondents fully intend to oppose the above-captioned petition for cancellation and to assert any applicable counterclaims, and therefore respectfully request that this Board grant respondents' motion for an extension of time to November 23, 1995 in which to answer the petition for cancellation in this case or, in the alternative, until twenty (20) days after counsel's receipt of the Board's decision on the present motion.

  
\_\_\_\_\_  
Michael Krinsky, Esq.

Sworn to before me this  
21st day of September 1995.

  
\_\_\_\_\_  
Notary Public

**MARIA E. BANKS**  
Notary Public, State of New York  
No. 31-4821884  
Qualified in New York County  
Commission Expires *JUN 30, 1996*

Can't copy

AN EQUAL OPPORTUNITY EMPLOYER

Received  
5/18/55

CERTIFIED

Michael Krinsky  
Rubinowitz, Rudin, Standard, Krinsky &  
Leberstein, P.C.  
240 Broadway, Fifth Floor  
New York, NY 10003

Fold at line over top of envelope to the  
back of this envelope  
CERTIFIED

Z 752 307 405

AFFIDAVIT OF SERVICE BY MAIL

I, Kezia Gleckman Hayman, hereby swear under penalty of perjury that I am over eighteen years of age, am not a party to this action and employed by Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., New York, New York. On September 21, 1995, I caused a true and correct copy of the attached Notice of Motion for Extension of Time to File Answer to Petition for Cancellation, and the annexed Affidavit of Michael Krinsky, Esq. to be deposited with the United States Postal Service utilizing the "Express Mail Post Office to Addressee" service in an envelope addressed to the following:

**Express Mail Label #HB309370336**  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
BOX TTAB  
Arlington, VA 22202-3513

**Express Mail Label #HB309370347**  
William R. Golden, Jr.  
Kelley Drye & Warren  
101 Park Avenue  
New York, NY 10178

Kezia Gleckman Hayman  
KEZIA GLECKMAN HAYMAN

Sworn to before me this  
21st day of September 1995.

Maria E. Banks  
Notary Public

**MARRIA E. BANKS**  
Notary Public, State of New York  
No. 31-4821564  
Qualified in New York County  
Commission Expires *July 30, 1996*